

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA)
)
)
v.) **Criminal Action No. 2004-0005**
)
KALISHA MARTIN, et al.,)
)
Defendants.)
)

Attorney:

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St. Thomas, U.S.V.I
For the United States

ORDER

THIS MATTER comes before the Court on the “Government’s Motion to Dismiss,” wherein the Government “requests that the Superseding Indictment . . . in this matter be dismissed without prejudice as to [Kalisha Martin] in the interest of justice.” (Dkt. No. 1475). No response has been filed to the Government’s Motion.

Pursuant to Fed. R. Crim. P. 48(a), “[t]he government may, with leave of court, dismiss an indictment, information, or complaint.” The amount of discretion that a court may exercise under Rule 48(a) is limited. *See Rinaldi v. United States*, 434 U.S. 22, 29 n.15 (1977). Indeed, “[a] court is generally required to grant a prosecutor’s Rule 48(a) motion to dismiss unless dismissal is clearly contrary to manifest public interest.” *In re Richards*, 213 F.3d 773, 787 (3d Cir. 2000) (internal quotation and citation omitted). Rule 48(a) dismissals are customarily granted without prejudice, thus permitting the government to reindict the defendant within the statute of limitations. *United States v. Galloway*, 2013 WL 4712042, at *1 (D.V.I. Aug. 30, 2013) (citing *United States v. Raineri*, 42 F.3d 36, 43 (1st Cir. 1994)).

The Court finds that dismissal is appropriate here, as there is no evidence in the record to suggest that dismissal would be “clearly contrary to manifest public interest.” *Richards*, 213 F.3d at 787.

UPON CONSIDERATION of the foregoing, it is hereby

ORDERED that the “Government’s Motion to Dismiss” (Dkt. No. 1475) is **GRANTED**; and it is further

ORDERED that the Superseding Indictment (Dkt. No. 544) is **DISMISSED WITHOUT PREJUDICE** as to Defendant Kalisha Martin.

SO ORDERED.

Date: July 2, 2020

WILMA A. LEWIS
Chief Judge